

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRIS NEWMAN,

Plaintiff,

-against-

NOTICE OF MOTION

METRO-NORTH COMMUTER RAILROAD  
and JONES LANG LaSALLE,

Defendants.

-----X

PLEASE TAKE NOTICE that, on a date and at a time to be set by the Court, defendant METRO-NORTH COMMUTER RAILROAD will move pursuant to Rule 12 and Rule 55 of the Federal Rules of Civil Procedure for an Order granting a default judgment against defendant JONES LANG LaSALLE for failure to Answer or otherwise appear in this matter.

Dated: New York, New York  
November 14, 2007

Respectfully submitted,

Richard K. Bernard  
General Counsel, Metro-North Commuter Railroad  
Attorney for Defendant

By: S/

Ioana Wenchell (IW - 4775)

Associate Counsel

347 Madison Avenue  
New York, New York 10017  
(212) 340-2203

TO: Michael H. Zhu, Esq.  
Attorney for Plaintiff  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212-227-2245 – MHZ/7500  
Of Counsel to:

Barish Rosenthal  
Bell Atlantic Tower  
1717 Arch Street, Suite 4020  
Philadelphia, PA 19103

Jones Lang LaSalle  
25 Vanderbilt Avenue, Hall 1-A  
New York, New York 10017

STATE OF NEW YORK :  
:ss:  
COUNTY OF NEW YORK:

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the Bronx, New York.

On November 15, 2007, I served a true copy of the annexed Notice of Motion and Affirmation in Support, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Michael H. Zhu, Esq.  
Attorney for Plaintiff  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
212-227-2245  
Of Counsel to:  
Barish Rosenthal  
Bell Atlantic Tower  
1717 Arch Street, Suite 4020  
Philadelphia, PA 19103

Jones Lang LaSalle  
Defendant  
25 Vanderbilt Avenue, Hall 1-A  
New York, New York 10017

S/  
LAURA MATTHEWS

Sworn to before me this  
15 day of November, 2007

S/  
NOTARY PUBLIC